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Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

Report of the Secretary-General

Summary

The present report is prepared in compliance with Commission on the Status of Women resolution 48/3 of 12 March 2004. The report includes information provided by Member States and relevant entities of the United Nations system. It concludes with recommendations for consideration by the Commission on the Status of Women at its fiftieth session in 2006.

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I. Introduction

1. At its forty-eighth session, the Commission on the Status of Women adopted resolution 48/3 of 12 March 2004 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. In that resolution, the Commission recalled its previous resolutions on the subject, relevant resolutions of the General Assembly, the Security Council and the Commission on Human Rights and Security Council resolution 1325 (2000) on women, peace and security, as well as relevant provisions contained in the instruments of international humanitarian law relative to the protection of the civilian population.[1]

2. The Commission expressed its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict would advance the implementation of the goals enshrined in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", as well as the outcome document of the special session of the Assembly on children entitled "A world fit for children", including the provisions therein regarding violence against women and children.

3. The Commission strongly urged all parties to armed conflicts to respect fully the norms of international humanitarian law in armed conflict and to take all necessary measures for the protection of the civilian population, as such, and to release immediately all women and children who have been taken hostage. It also urged all parties to armed conflicts to provide safe and unimpeded access to humanitarian assistance for those women and children in accordance with international humanitarian law. The Commission stressed the need to put an end to impunity and the responsibility of all States to prosecute in accordance with international law those responsible for war crimes, including hostage-taking. The Commission emphasized the importance of objective, responsible and impartial information on hostages, verifiable by relevant international organizations, in facilitating the release of hostages, and called for assistance to those organizations in that regard.

4. The Commission requested the Secretary-General to ensure the widest possible dissemination of all relevant material, in particular that relating to Security Council resolution 1325 (2000). It also requested the Secretary-General to submit to the Commission at its fiftieth session a report on the implementation of resolution 48/3, taking into account the information provided by States and relevant international organizations.

5. The present report is prepared in compliance with that request and is based on information received from 7 Member States, 12 entities of the United Nations system and 1 international organization.

II. Information from Member States

6. The Governments of Armenia, Azerbaijan, Bangladesh, Brazil, Costa Rica, Lebanon and the Syrian Arab Republic responded to the request to provide information regarding the status of implementation of resolution 48/3.

7. The Government of Armenia reported on the provisions in its Criminal Code relevant to paragraphs 1 to 3 of resolution 48/3. In particular, article 218 of the Criminal Code criminalized the act of hostage-taking. Article 390 concerned violent acts in contravention of international humanitarian law against the civilian population during armed conflict, including murder, torture and other inhuman and degrading treatment. Several articles of the Criminal Code dealt with the consequences of hostage-taking of particular concern to women, such as violent acts committed against pregnant women (article 119), rape (article 138), sexual exploitation (article 140) and trafficking in humans (articles 132 and 133). The Government also reported that as of 15 September 2005, there were no Azerbaijani women and children taken hostage on the territory of the Republic of Armenia, and that 162 Armenian women and 6 children, including 1 girl child, were held hostage by Azerbaijan. The Government Commission of the Republic of Armenia on the Captured, Hostages and the Disappeared was working on the issue directly, as well as through the International Committee of the Red Cross, with the relevant governmental commission of Azerbaijan.

8. The Government of Azerbaijan emphasized that it remained strongly committed to the provisions of resolution 48/3. It supported the view that the immediate and unconditional release of women and children taken hostage in areas of armed conflict would contribute considerably to the implementation of the goals outlined in the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. Measures undertaken by the State Commission for Prisoners of War, Hostages and Missing Persons and its working group, guided in their activities by international humanitarian law, in particular the Geneva Conventions of 12 August 1949, as well as by the relevant resolutions adopted by the General Assembly and the Commission on Human Rights, had led to the release from Armenian captivity of 1,368 individuals, including 338 women and 169 children. The Government reported that as of 1 April 2005, 4,841 citizens of Azerbaijan were still missing, since the beginning of the armed conflict with Armenia, of whom 54 were children and 321 women. According to national lists compiled on the basis of testimonials of the citizens returned from captivity and other sources, 783 persons had been imprisoned or taken hostage by Armenia.

9. The Government of Lebanon stressed the importance of implementing resolution 48/3 and reported on assistance offered by the Government, in particular the Ministry of Social Affairs, to prisoners of war, especially women, freed from Israeli prisons. Legislative measures adopted by the Government addressed, inter alia, the establishment of a formal committee for investigating the status of missing persons and the provision of compensation and retirement pensions for prisoners of war freed from Israeli prisons. The Government also established a national agency concerned with the welfare of prisoners of war, a committee within the Ministry of Social Affairs with the aim of coordinating efforts relevant to prisoners of war, and commissioned the preparation of three studies regarding prisoners of war. The Government described the impact of the armed conflict in Lebanon on women in particular. Female prisoners of war suffered from pressures imposed on them by society, which required them to fulfil traditional caretaking roles within the family rather than be recognized for the contribution they had made to defending their country. The Government of Lebanon reported that Israel detained fe. ıale relatives of imprisoned men as a means of putting pressure on them to confess to matters

related to the resistance, or to pressure those it was unable to detain to turn themselves in. According to sources of the Ministry of Social Affairs of Lebanon, there were a total of 254 female prisoners of war in Israeli prisons, constituting 5 per cent of all prisoners of war.

10. The Government of the Syrian Arab Republic responded that it was fully committed to resolution 48/3 and that it had no cases of women or children taken hostage. The Government stressed the necessity that Israel should adhere to the provisions of the resolution, especially concerning Syrian women in the occupied Syrian Golan.

11. The Governments of Bangladesh, Brazil and Costa Rica reported that the situation described in resolution 48/3 was not applicable in their respective countries, as they were not involved in armed conflict.

III. Information from the entities of the United Nations system

12. The following United Nations entities responded to the request to provide information regarding the status of implementation of resolution 48/3 with information on their activities: the Department of Public Information, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme (WFP). The International Organization for Migration (IOM) also provided information.

13. The Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic and Social Commission for Western Asia (ESCWA), the Economic Commission for Europe (ECE), the Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Development Fund for Women (UNIFEM) reported that they did not have any activities related to the implementation of resolution 48/3 during the reporting period 2004/05.

14. OHCHR reported on activities undertaken by the United Nations with regard to children associated with fighting forces in Côte d'Ivoire. According to OHCHR some reports indicated as many as 3,000 child-soldiers were serving in the Forces Armées des Forces Nouvelles (FAFN). Data was lacking on the numbers of children in pro-Government militia groups. Since 2003, the United Nations Children's Fund (UNICEF) had successfully secured the release of 511 child-combatants from FAFN, including 204 girls. The leadership of FAFN had issued a declaration of commitment to end the use of children as soldiers and, in 2005, presented an action plan for the release of remaining child-soldiers in keeping with Security Council resolutions 1539 (2004) and 1612 (2005). In addition, following the intervention of the Child Protection Unit of the United Nations Operation in Côte d'Ivoire (UNOCI), UNICEF and partners, pro-Government militia groups had agreed to provide lists of child-soldiers for demobilization. The Governments of Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, the Niger, Nigeria and Togo signed a multilateral cooperation agreement to combat child trafficking on 27 July 2005 in Abidjan.

15. OHCHR provided information on its activities in Colombia, stating that the taking of hostages had been used in the context of the Colombian internal armed conflict both as a means to exert political pressure and to obtain economic resources. According to the 2004 annual report of the High Commissioner on the human rights situation in Colombia, 73 per cent of victims of hostage-taking reported over the first nine months of 2004 were male and 27 per cent female (E/CN.4/2005/10). Twenty-one per cent of abductions involved minors. Data on the number of victims of hostage-taking varied widely according to the source. The official figures published by the Ministry of Defence of Colombia, through its office Fondelibertad, cited 746 persons taken hostage in 2004, and 187 in 2005. Women constituted 22 and 19 per cent of these victims, respectively. These figures, however, only included hostages captured with economic motives. The report recommended, inter alia, that importance be placed on the collection of data and on their disaggregation by sex, age and ethnic group, which would allow a better assessment of the situation of women and children who had been taken hostage. The taking of hostages by guerrilla and paramilitary groups was severely denounced. The report highlighted the situation of women victims of this crime, stating that offences against women and girls continued to be reported in different parts of the country, generally accompanied by hostage-taking, torture, displacement, forced nudity and other forms of physical, sexual and psychological aggression. The report also included an explicit mention of the violations of rights suffered by children, thousands of whom had been forcibly recruited, taken hostage, displaced or suffered as a result of antipersonnel mines.

16. In its monitoring capacity in Colombia, OHCHR maintained a database on individual hostage cases in order to promote actions to improve the overall situation. It also provided legal advice on the possibility of entering into negotiations with the illegal armed groups within the framework of international humanitarian principles. To this end, the Office published a document on ten orientation points for the search of liberty of the persons held by illegal armed groups in the context of the internal armed conflict in Colombia in 2004.

17. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict reported that hostage-taking of children during times of armed conflict was a grave violation of the rights of children, giving the issue relevancy to the mandate of the Special Representative. The monitoring and reporting mechanism for children and armed conflict, endorsed by the Security Council in resolution 1612 (2005), identified the abduction of children as one of six grave violations to be monitored and reported to the Council. Abductions of children in situations of armed conflict constituted a particular focus of the work of the Special Representative of the Secretary-General. The 2005 report of the Secretary-General on children and armed conflict reported on hostage-taking of children in Middle School No. 1 in the city of Beslan, North Ossetia, Russian Federation, in September 2004, which resulted in the deaths of over 330 people, more than half of whom were children (A/59/695-S/2005/72).

18. UNICEF reported on its assistance to women and children in Afghanistan, Ethiopia, Liberia, the Russian Federation, the Sudan and Uganda. UNICEF prevention and assistance activities focused on the promotion of adherence to international standards, engagement in dialogue with State and non-State actors to advocate for the release of abducted children, the initiation of voluntary return programmes, the reunification of separated children with their families, the

establishment of a protective environment for children formerly associated with fighting forces, the protection of displaced and refugee children who were particularly vulnerable to abduction, the development of community-based support programmes and the reduction of vulnerability of abducted children to trafficking by addressing the root causes of trafficking, including poverty.

19. UNICEF worked with the Government in Afghanistan to raise awareness about child abductions, including training officials responsible for the protection of children. In 2004, UNICEF and the Ministry of Justice completed a major comparative review of Afghan legislation and the United Nations Convention on the Rights of the Child, with a view to improving child rights. In consultation with the Afghan New Beginnings Programme, UNICEF had also successfully supported the demobilization and reintegration of more than 2,000 former underage soldiers. The programme was focused on the development of an information database on each former combatant, including psychosocial and medical screening and care plan, and the provision of education and vocational training, mine risk education and briefings aimed at helping children reintegrate into their communities.

20. In Ethiopia, UNICEF reported that, on average, 69 per cent of girls were being abducted and subsequently forced to marry their attackers. UNICEF was working in partnership with the regional education and women's affairs bureaux to educate communities that marriage by abduction constituted a violation of basic human rights. Following the September 2004 hostage-taking crisis in the Russian Federation (see para. 17), which resulted in the death or injury of hundreds of children, UNICEF provided emergency supplies and psychosocial assistance to victims and initiated a regional project on peace education. To address the ongoing problem of abductions and hostage-taking in the north of the Sudan, UNICEF was working jointly with Save the Children (United Kingdom) and the Sudanese Committee for the Eradication of the Abduction of Women and Children.

21. UNICEF reported that although the rate of abductions in Uganda had been declining since 2003, the conflict continued to have a significant impact on children and women, particularly with regard to restricted humanitarian access resulting from insecurity. Many children had been forcibly recruited into the armed forces as sex slaves, spies, cooks and porters. Those who had escaped faced significant health, psychological and economic difficulties, which UNICEF was addressing through the provision of resettlement kits, tents, income-generation training and health-care services in rehabilitation and resettlement programmes. It also offered training and capacity-building to the Government, community leaders and local partner organizations.

22. UNFPA reported that although it did not have a specific programme to assist the release of women and children taken hostage, it has supported a wide range of activities to prevent gender-based violence and trafficking in women and children. Those activities included providing technical assistance and capacity-building to Governments and civil society, as well as psychosocial and reproductive health services to victims. In selected countries, UNFPA used HIV/AIDS prevention and promotion of reproductive health as a tool for fostering social cohesion among ex-combatant youth.

23. UNRWA reported that since October 2000, it had provided multisectoral emergency relief to more than 1.1 million Palestine refugees affected by the conflict in the occupied Palestinian territory, including food aid for families, shelter

reconstruction and psychosocial counselling services for youth. In August 2005, three UNRWA staff members involved in humanitarian operations in the Gaza Strip, including one woman, were abducted and held by an armed Palestinian group for one hour. During that time, a female UNDP staff member and her colleague were also abducted in Gaza City and held for several hours. All parties were released unharmed following an intervention by the Palestinian Authority.

24. WFP reported that it had contributed to the demobilization and reintegration phases of the United Nations-supported comprehensive demobilization, disarmament and reintegration programmes by providing support to some 800,000 former combatants and dependants since 2000. The programmes addressed the special needs of women and children who had been part of a combatant force. In some areas, WFP also provided feeding and food aid rations to programmes supporting the demobilization and reintegration of children affiliated with armed forces and groups, as well as programmes aimed at the prevention of recruitment. WFP was in the process of collecting sex-disaggregated data on the beneficiaries of its programmes. In Uganda, WFP provided nutritional support in rehabilitation and reintegration centres for formerly abducted children, as well as a reintegration package of food for children returning to their communities. Special attention was paid to girl children who had been raped or violated during their abduction in order to assist them with the care of the children conceived during their abduction. WFP pointed out some of the challenges experienced within its programmes, including insufficient funding for community-based organizations to fulfil their mandate of providing psychosocial support to children; the continuous food insecurity of reintegrated children, evidenced by their continued attendance of the feeding centres; and the particular burdens faced by violated child mothers trying to provide for themselves and their children.

25. IOM shared information on its comprehensive programme of assistance to children rescued from illegal armed groups, run in collaboration with the Government of Colombia since 2000. The programme included actions aimed at preventing recruitment, assisting ex-combatant children and raising awareness among authorities and the general public about the problem. It also provided legal advice to all stakeholders. To date, the programme had assisted 2,426 children rescued from war, 665 of whom were girls.

26. The Department of Public Information reported that it had issued press releases related to the adoption of Commission on the Status of Women resolution 48/3.

IV. Conclusions

27. **The present report outlines continued actions taken by Governments in the development of policies and legislation as well as the provision of humanitarian support to women and children taken hostage. United Nations entities have continued to provide technical assistance and capacity-building to all actors, and have focused efforts on providing health services, including reproductive health services, and psychosocial support; preventing and dealing with the consequences of violence, including sexual exploitation; and supporting reintegration processes, particularly in relation to child soldiers.**

The lack of sex-disaggregated data was raised as a constraint that should be addressed.

Notes

[1] General Assembly resolutions 34/146 of 17 December 1979 and 57/220 of 18 December 2002; Commission on Human Rights resolutions 2001/38 of 23 April 2001 and 2003/40 of 23 April 2003; Security Council resolution 1325 (2000) of 31 October 2000.